

REGULAR MEETING-MANSFIELD TOWN COUNCIL
June 22, 2009

Mayor Elizabeth Paterson called the regular meeting of the Mansfield Town Council to order at 7:30 p.m. in the Council Chambers of the Audrey P. Beck Building.

I. ROLL CALL

Present: Clouette, Duffy, Haddad, Koehn, Nesbitt, Paterson, Paulhus, Schaefer
(7:40 p.m.)

Mayor Paterson requested a moment of silence in remembrance of Adella Urban who recently passed away. Ms. Urban was a long time public servant in Columbia, who also worked in the Mansfield Town Hall a number of years ago.

II. APPROVAL OF MINUTES

Mr. Haddad moved and Mr. Nesbitt seconded to approve the minutes of the May 18, 2009 Special meeting. Motion to approve as presented passed unanimously. Mr. Haddad moved and Mr. Paulhus seconded to approve the minutes of the June 6, 2009 meeting as presented. The motion passed unanimously.

Mr. Haddad moved to make Item 6, Appointment of Council Member, as the next order of business and to add to the agenda the Town of Mansfield's Recognition of Local Heroes. Seconded by Mr. Clouette the motion passed.

Mr. Paulhus moved and Mr. Nesbitt seconded, effective June 22, 2009, to appoint Meredith Lindsey to serve as a member of the Town Council, to fill the vacancy created by Alison Blair's resignation from the Council for the term ending November 16, 2009.

Motion passed unanimously and members welcomed Ms. Lindsey to the Council. Mr. Nesbitt noted that Ms. Lindsey is a 15-year resident of the Town, the mother of 4 children, a member of the Republican Town Committee and served on the redistricting committee for the Board of Ed. She has been an activist at EO Smith and he described her as a critical but independent thinker. Mr. Paulhus concurred with those statements. Ms. Koehn stated that she was delighted to welcome Ms. Lindsey to the Council calling her a creative thinker and a hard worker. The Town Clerk officiated at the swearing in of Ms. Lindsey.

Deputy Chief William Jordan and Fire Chief Dave Dagon recognized the efforts of 2 area citizens who played a heroic part in the rescue of 2 people who had fallen through the ice at the Mansfield Dam. Charles Hoffman and Michael Miranda were honored by the Council for their actions. Deputy Chief Jordan stated that if it had not been for the quick response of these two individuals the outcome would have been very different.

III. PUBLIC HEARING

1. Proposed Amendments to the Special Police Services Ordinance/Fees for Special Public Safety Services Ordinance.

Mayor Paterson called the public hearing to order and the Town Clerk read the legal notice.

Town Manager Matt Hart stated that the purpose of the changes to the existing ordinance is to allow the Town to recover the cost for public safety expenses that are beyond the level provided in ordinary circumstances. The changes to the ordinance provide a process to allow the Town Manager to issue a citation and bill based on a variety of circumstances. The draft under consideration includes a number of improvements suggested at the last public hearing.

Richard Pellegrine, Clover Mill Road, spoke in favor of the amended ordinances. Mr. Pellegrine described his experience on the Council and expressed a concern that, like many of the ordinances passed during his tenure, this too would not be enforced.

Peter Plante, Oak Road, suggested adding the work "ranking" before "responding officer" in Sections 70-2 and 70-4 and questioned how repeated incidents would be handled as the ordinance seems to be written to address an occurrence that happens in the span of one night.

John Sobanik, representing Celeron Square, expressed his support for the changes made to the ordinance. He was especially pleased that the Town Council and Town Manager have responded to previous testimony urging that the totality of the experience be considered in the Town Manager's review. (Statement included)

Mike Sikoski, Wildwood Road, asked the Council to provide an instance in the last year where this ordinance would have been helpful and asked how much money the citation would have generated. He asked if the bill for the citation would come from the Town Manager's office. Mr. Sikoski also stated that he believes the key is to modify the behavior of the students.

William Jordan, South Eagleville Road, spoke in favor of the changes to the ordinance. Based on many years of first hand experience he feels that a well-enforced ordinance will be beneficial to the Town. Mr. Jordan also believes the property owner should be held accountable.

The public hearing was closed at 8:14 p.m.

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IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

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Betty Wassmundt, Old Turnpike Road, questioned whether or not the Interlocal Service Agreement for Financial Services with the Town of Columbia is beneficial to the Town of Mansfield. (Statement included.)

Ms. Wassmundt also explained her reasons for initiating Freedom of Information requests. She feels the process is excessive.

Ric Hossack, Middle Turnpike Road, thanked the Council and staff for including the public in the June 25th FOI training session.

Mike Sikoski, Wildwood Road, expressed concern regarding the regrading project on Wildwood Road. He thought the project took too long to complete. Mr. Sikoski also asked who pays for the comp time in the Interlocal agreement with Columbia.

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V. TOWN MANAGER'S REPORT

- The Town Manager welcomed Meredith Lindsey to the Council and thanked Alison Blair for her many years of service to the Council.
In addition to his written report the Town Manager announced that Storrs Automotive has just signed an intent to lease letter with the Developer. He also noted that the stolen funds from the Friends of the Library have been recovered.

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VI. OLD BUSINESS

- 2. Proposed Amendments to the Special Police Services Ordinance/Fees for Special Public Safety Services Ordinance.

Mr. Paulhus moved and Mr. Schaefer seconded to approve the proposed ordinance to be know and cited as the Town of Mansfield Fees for Special Public Safety Services Ordinance, dated June 22, 2009, which ordinance shall be effective 21 days after publication in a newspaper having circulation within the Town of Mansfield.

Council members discussed the wording and interpretation of the proposed ordinance with staff and the Town Attorney. The following amendments were considered:

Mr. Nesbitt moved and Mr. Clouette seconded to delete the following phrase in the second paragraph in §70-2, "...which requires resources above and beyond the level of public safety services that must be provided in ordinary circumstances.", and to delete the word "special" in the next sentence. Motion passed with all in favor except Mr. Schaefer who voted no.

Mr. Clouette moved and Mr. Paulhus seconded to change, "responding officer" to "ranking responding officer" wherever it appears in the document and to consistently use the defined term "responsible person" throughout the sections. Motion passed unanimously.

Mr. Schaefer moved and Mr. Nesbitt seconded to delete the words, "or party." in the definition of the word "event". Motion passed unanimously.

Mr. Nesbitt moved and Mr. Paulhus seconded to remove the word "further" in the second sentence of §70-5. The maker and seconder of the motion agreed to include, as a friendly amendment, Ms. Koehn's suggestion to add the word "later" after "...otherwise control an event and it is...."

Motion passed unanimously.

Mr. Paulhus called the question. Seconded by Mr. Schaefer the motion failed.

Council members discussed whom best to cite, the event organizer or the property owner, and decided the decision would need to be made by the Town Manager based on the facts.

By consensus the Council agreed to see if §70-5 could be broken up into shorter sentences.

The motion to approve the ordinance as amended passed.

As a future agenda item, Ms. Koehn recommended reviewing requiring the Town Manager to report each incident under this ordinance and its resolution to the Council.

3. Ordinance for Obtaining Goods and Services

Mr. Paulhus moved and Mr. Schaefer seconded to adopt the proposed Ordinance for Obtaining Goods and Services, dated June 22, 2009, which ordinance shall be effective 21 days after publication in a newspaper having circulation within the Town of Mansfield.

Ms. Koehn moved and Mr. Clouette seconded to amend §3C to read as follows:

In order to increase the development and awareness of environmentally sound products and services, the Town of Mansfield will ensure that all possible and feasible specifications are reviewed for consideration of environmental impacts. Consideration will be given to those products that from a life cycle perspective, adversely affect the environment in the least possible way. This means that the Town of Mansfield will make a reasonable and responsible effort to choose products and services that:

- 1) are produced in an environmentally responsible manner
- 2) are distributed in an environmentally responsible manner
- 3) cause the least possible damage to the environment
- 4) can be removed in an environmentally responsible manner

Motion to amend passed

Ms. Lindsey moved to add the word "written" to §4B prior to, "approval of the Town Manager.

Motion passed with Duffy, Koehn, Lindsey, Nesbitt, and Paulhus in favor and Clouette, Haddad, Paterson and Schaefer opposed.

The Ordinance for Obtaining Goods and Services, as amended, passed.

Ms. Koehn's request that all contracts shall be posted on the Town's website will be considered as part of larger issues already under discussion in the Personnel

Committee.

Mr. Paulhus left at 10:30 p.m.

4. Community/Campus Relations

No Report

5. Community Water and Wastewater Issues

The Town Manager reported the Four Corners Sewer Advisory Committee's forum was well attended and went very well.

Mr. Nesbitt reported there were about 40 residents in attendance. He also reported the Committee is working on the design and fiscal impacts of the project.

Mayor Paterson asked that the issue of Town Council Committee changes be added to the agenda. The motion was made by Mr. Schaefer, seconded by Ms. Duffy and passed by all.

VII. NEW BUSINESS

6. Appointment of Council Member

Item 6 addressed above.

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7. Freedom of Information Act Policy Update

By consensus the Council agreed to review the Freedom of Information Act Policy Update at the next meeting.

8. Bond Reauthorization – Mansfield Streetscape Improvements

Mr. Schaefer moved and Mr. Haddad seconded to approve the following resolution:

Resolved, in accordance with Sections 406 and 407 of the Town Charter, the Town Council hereby re-approves the resolution entitled "Resolution Appropriating \$302,000 For Cost With Respect To Walkway And Streetscape Improvements Along Storrs Road (Conn. Route 195) and Flaherty Road and Authorizing The Issue Of Bonds And Notes In The Same Amount To Finance The Appropriation" as originally adopted by the Town Council at a meeting held May 26, 2009 and approved by the voters of the Town at a Special Meeting held June 8, 2009.

Motion passed with all present voting in favor.

9. Amendment To Capital Fund Budget – Mansfield Streetscape and Pedestrian Improvements; Improvements to Storrs Road Project

Mr. Clouette, Chair of the Finance Committee, moved to approve the adjustments to the Capital Fund Budget, as presented by staff in the schedule dated June 22, 2009.

Motion passed by all.

10. Inter-local Services Agreement with Columbia

Mr. Haddad moved and Mr. Schaefer seconded, effective June 22, 2009, to authorize the Town Manager to execute the proposed Inter-local Agreement between the Town of Mansfield and the Town of Columbia for Financial Services from July 1, 2009 to June 30, 2009.

Comptroller Cherie Trahan answered questions about the agreement including the workings of comp time, overhead cost and mileage reimbursement.

The motion to approve the agreement passed unanimously.

11. Agreement between the Town of Mansfield, Mansfield Board of Education and Region 19 Board of Education for Financial Management, Information Technology and Risk Management Services.

Mr. Haddad moved and Mr. Clouette seconded, effective June 22, 2009, to authorize the Town Manager to execute the Agreement between the Town of Mansfield, Mansfield Board of Education and Region 19 Board of Education for Financial Management, Information Technology and Risk Management Services, for a term commencing on July 1, 2009 and expiring on June 30, 2012.

Council members discussed the over 30 year mutually beneficial relationship between the Mansfield Board of Education and the Town of Mansfield and whether or not it would be beneficial to detail the specifics of the relationship.

Motion passed unanimously.

12. Contract Between the State of Connecticut Department of Public Safety and the Town of Mansfield for Resident State Police Services

Mr. Clouette moved and Mr. Haddad seconded to approve the following resolution:

Resolved, effective June 22, 2009, that Town Manager Matthew W. Hart be and is authorized to execute a contract on behalf of the Town of Mansfield with the Connecticut Department of Public Safety, Division of State Police, for the services of one Resident State Police Supervisor and seven Resident State Police Troopers for the period beginning July 1, 2009 and ending June 30, 2011.

Members discussed the level of communication between the Resident State Trooper and the Town Manager and how information is shared. The Town Manager will determine if the State Police database can track problematic traffic enforcement locations and whether or not the Traffic Authority would be able to

receive the information electronically. In response to a question by Ms. Koehn, Mr. Hart stated that other than the number of personnel the Town has little ability to negotiate this contract.

The motion passed with all in favor except Mr. Schaefer who vote nay.

VIII. DEPARTMENTAL AND COMMITTEE REPORTS

- No Comments

IX. REPORTS OF COUNCIL COMMITTEES

- Mayor Paterson reported that Councilor Gene Nesbitt has been appointed to the Finance Committee to fill the vacancy left by Allison Blair and that Councilor Meredith Lindsey will fill his spot on the Committee on Committees.

Ms. Duffy, Chair of the Committee on Committees, recommended Ethics Board alternate Win Smith be made a full member.

Motion passed unanimously.

X. REPORTS OF COUNCIL MEMBERS

- No Comments

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XI. PETITIONS, REQUEST AND COMMUNICATIONS

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13. L. Frankel re: Special Public Services Ordinance

14. Communications Advisory Committee re: Town Meetings

15. PZC re: Walkway and Streetscape Improvements

16. L. Bailey/M. Hart/J. Russell re: Cuts to Technology and Libraries

17. G. Padick re: Draft Windham Regional Land Use Plan 2009

18. State of Connecticut Department of Public Health re: Public Act 09-30

19. State of Connecticut Employment and Training Commission re: WIA

20. Community Energy re: Renewable Energy Certificate. Ms. Koehn requested that the Town or CCM investigate why citizens cannot choose a lower cost clean energy solution without having to go through CL&P. She will email the material she has collected to the Mayor.

21. Chronicle "Another eatery signs on for new downtown Storrs" – 06-03-09

22. Chronicle "D19 has concerns about road plan" – 06-06-09

23. Chronicle "Editorial: We offer these threads, needles" – 06-08-09

24. Chronicle "Editorial: We offer these threads, needles" – 06-15-09

25. Chronicle "Four Corners fixes could cost \$14.1M" – 06-10-09
26. Chronicle "Letter to the Editor" – 06-05-09
27. Chronicle "Letter to the Editor" – 06-09-09
28. Chronicle "Letter to the Editor" – 06-10-09 Chronicle "Letters to the Editor" – 06-11-09
29. Chronicle "Letter to the Editor" – 06-15-09
30. Chronicle "Mansfield budget represents value" – 06-15-09
31. Chronicle "Mansfield Library victimized" – 06-09-09
32. Chronicle "Mansfield Oks streetscape proposal" – 06-09-09
33. Chronicle "Mansfield to vote again on budget" – 06-15-09
34. Chronicle "Meeting to focus on Mansfield Four Corners" – 06-08-09
35. Chronicle "Town meeting take aim at Route 195" – 06-06-09
36. Mansfield Today "Bringing sewers/water to Four Corners..." – 06-09-09
37. Mansfield Today "Budget clears referendum hurdle by almost..." – 06-16-09
38. Mansfield Today "Four Corners sewer/water project could cost \$14M" – 06-10-09
39. Mansfield Today "Referendum puts proposed \$43 million..." – 06-15-09
40. Mansfield Today "Smart Growth for Mansfield supports..." – 06-08-09
41. Mansfield Today "Major pre-construction approval for Storrs..." – 06-17-09
42. Mansfield Today "Voters approve \$1.47 million for Route 195..." – 06-14-0

XII. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Ric Hossack, Middle Turnpike, felt as if the Council spent a lot of time discussing early issues in the meeting and then rushed through the later contracts which he feels should have been sent back to committee. He stated the State Trooper's contract was approved without knowledge of the actual cost and would like to eliminate comp time for the Town.

Betty Wassmundt, Old Turnpike Road, agreed with the comments of the previous speaker and gave the Town Clerk a copy of a communication which she will email to Council members.

XIII. FUTURE AGENDAS

Ms. Koehn requested an update on Masonicare and a clarification of the appointment changes proposed for the Town/Gown Committee.

Mr. Nesbitt would like to discuss single stream recycling.

Mr. Haddad moved and Ms. Duffy seconded to recess the meeting and move into executive session to discuss strategy and negotiations with respect to pending claims or pending litigation CGS§1-200(6)(B).

Motion passed.

XIII. EXECUTIVE SESSION

- Strategy and Negotiations with Respect to Pending Claims or Pending Litigation
CGS§1-200(6)(B)

Present: Clouette, Duffy, Haddad, Koehn, Lindsey, Nesbitt, Paterson. Schaefer.

Also Present: Town Manager Matt Hart and Public Works Director Lon Hultgren.

XIV. ADJOURNMENT

The Council reconvened in public session.

Mr. Schaefer moved and Ms. Duffy seconded to adjourn the meeting.

Motion passed unanimously.

Elizabeth Paterson, Mayor

Mary Stanton, Town Clerk